

Solicitors (Ireland) Bill.

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[Bill 140.]

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Clause.

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Clause.

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Clause.

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SCHEDULES.

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B I L L

TO

Amend the Law for the Regulation of the Profession of
Solicitors in Ireland.

A.D. 1888.

WHEREAS it is expedient to amend and consolidate the laws relating to solicitors, and to the service of indentured apprentices to solicitors in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Solicitors (Ireland) Act, 1888.

Short title.

2. This Act shall extend to Ireland only.

Extent of Act.

3. This Act shall, so far as regards the power of the Lord Chancellor and certain of the judges of Her Majesty's High Court of Justice in Ireland and of the Incorporated Law Society to make regulations hereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations hereunder, come into operation on the passing hereof, and for all other purposes shall come into operation on the first day of January one thousand eight hundred and eighty-nine.

Commencement of Act.

4. In this Act "Lord Chancellor" means the Lord Chancellor of Ireland, and shall include Lords Commissioners, and Lord Keeper of the Great Seal of Ireland.

Interpretation of terms.

"Supreme Court" means the Supreme Court of Judicature in Ireland ;

29 & 30 Vict. c. 94, s. 1.

"Solicitor" means solicitor of the Supreme Court :

"Registrar" means the registrar of solicitors :

"Roll of solicitors kept by the registrar" means the roll or book, rolls or books, of solicitors, which by this Act the registrar is required to keep :

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"The Incorporated Law Society" means "the Society of the Attorneys and Solicitors of Ireland" acting under their present or any future charter :

"The clerk of records and writs" means the clerk of the records and writs of the Chancery Division of the High Court of Justice in Ireland, and includes such other person or persons as the Lord Chancellor may from time to time appoint to perform any of the duties by this Act directed to be performed by the clerk of records and writs :

40 & 41 Vict.
c. 25, s. 4.

"Preliminary examination" means an examination in general knowledge of persons seeking to become bound under indentures of apprenticeship to solicitors :

"Intermediate examination" means an examination of persons bound under indentures of apprenticeship to solicitors in order to ascertain the progress made by such persons during their apprenticeship in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors :

"Final examination" means an examination of persons applying to be admitted as solicitors as well touching the indentures of apprenticeship and service as the fitness and capacity of such persons to act as solicitors in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court of Judicature in Ireland, an inquiry into the truth of such allegation :

38 & 39 Vict.
c. 96, s. 21.

"Summary Jurisdiction Acts" means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same.

14 & 15 Vict.
c. 93.Registrar of
solicitors.
29 & 30 Vict.
c. 84, s. 23.

5. There shall be a registrar of solicitors, who shall have the powers and perform the duties by this Act provided, and the office of such registrar shall be vested in the Incorporated Law Society under their present or any future charter of incorporation.

No person
to act as a
solicitor un-
less admitted
and enrolled.

6. From and after the commencement of this Act, no person shall act as a solicitor, or as such solicitor sue out any writ or process, or commence, carry on, solicit, or defend any action, suit, or other proceeding, in his own name or in the name of any other person in Her Majesty's Supreme Court of Judicature in Ireland, or in the Court of Bankruptcy in Ireland, or in the civil bill or county court, Court of the Land Commission or Petty Sessions Courts of

any county or riding of a county, or in any court of civil or criminal jurisdiction, in that part of the United Kingdom of Great Britain and Ireland called Ireland, or not as a solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of assize, of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice or justices, unless such person shall have been admitted and enrolled and otherwise duly qualified to act as a solicitor under or by virtue of the laws now in force, or unless such person shall after the passing of this Act be admitted and enrolled and registered and otherwise duly qualified to act as a solicitor pursuant to the directions and regulations of this Act, and unless such person shall continue to be so duly qualified and registered and on the roll of solicitors at the time of his acting in the capacity of a solicitor as aforesaid, except as herein-after in this Act mentioned.

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29 & 30 Vict.
c. 84. s. 3.

Terms of Apprenticeship.

7. Save as herein-after by this Act provided, no person shall be capable of being bound by indentures of apprenticeship to serve as an apprentice to a solicitor unless he shall have obtained from the Incorporated Law Society a certificate that he has passed a preliminary examination and has complied with such regulations as the society under the provisions of this Act may have prescribed with respect to the admission to apprenticeship.

Admission to apprenticeship.

8. No person, save as herein-after by this Act provided, shall from and after the commencement of this Act be capable of being admitted, enrolled, and registered as a solicitor unless such person shall have been bound by indentures of apprenticeship to serve as an apprentice for and during the term of five years to a practising solicitor, and shall have duly served under such indentures for and during the said term of five years, and also unless such person shall, after the expiration of the said term of five years, have been examined as by this Act directed and sworn as by the laws now in force required previous to such admission, enrolment, and registration.

No person to be admitted a solicitor unless he shall have served an apprenticeship of five years.

Do. s. 4.

9. Any person having taken the degree of bachelor of arts or bachelor of laws in the University of Dublin, Oxford, Cambridge, Durham, or London, or in the Queen's University or the Royal University in Ireland, or the degree of bachelor of arts, master of arts, bachelor of laws, or doctor of laws in any of the universities of Scotland (none of such degrees being honorary degrees), and who at any time after having taken such degree, and either before

Persons having taken degrees at certain universities may be admitted after three years service.

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Do. s. 7.

Persons
having been
at the bar
may be ad-
mitted after
three years
service.

Do. s. 8.

Persons
attending
certain lec-
tures and
passing cer-
tain exami-
nations in
faculty of
law during
two colla-
giate years
may be ad-
mitted after
four years
service.
Do. s. 9.

Persons
having been
bonâ fide
clerks to
solicitors for
ten years
may be ad-
mitted after
three years
service.

Do. s. 10.

Where the
three, four,
or five years
expire in any
vacation,
examination
may take
place in

or after the passing of this Act, has been bound by and has duly served under indentures of apprenticeship to a practising solicitor for the term of three years, and has been examined and sworn as by this Act provided, may be admitted, enrolled, and registered as a solicitor.

10. Every person who either before or after the commencement of this Act has been called to the degree of utter barrister in Ireland, and has procured himself to be disbarred, and has been bound by and has duly served under indentures of apprenticeship to a practising solicitor for the term of three years, and has been examined and sworn as by this Act provided, may be admitted, enrolled, and registered as a solicitor.

11. Every person who, as a matriculated or as a non-matriculated student of the University of Dublin or of the Queen's University or Royal University of Ireland, shall have attended or shall attend any prescribed lectures, and shall have passed or shall pass any prescribed examinations of the professors of the faculty of law in the said University of Dublin or in the Queen's University or Royal University of Ireland for a period of two collegiate years, and who shall have duly served under indentures of apprenticeship to a practising solicitor for the term of four years, and has been examined and sworn as by this Act provided, may be admitted, enrolled, and registered as a solicitor.

12. Any person who, either before or after the passing of this Act, shall for the term of seven years have been a bonâ fide clerk to a solicitor or solicitors, and during that term shall have been bonâ fide engaged in the transaction and performance, under the direction and superintendence of such solicitor or solicitors, of such matters of business as are usually transacted and performed by solicitors in person, and who shall produce to the Incorporated Law Society satisfactory evidence that he has faithfully, honestly, and diligently served as such clerk, and who, after the expiration of the said term of seven years, and after having passed a preliminary examination, has been bound by and has duly served under indentures of apprenticeship to a practising solicitor for the term of three years, and has been examined and sworn as by this Act provided, may be admitted, enrolled, and registered as a solicitor.

13. Whenever any of the periods of five, four, and three years service mentioned in this Act shall expire in any vacation, then and in such case any person whose period of apprenticeship shall so expire shall be at liberty to pass his final examination in the sittings immediately preceding the said vacation; and at any time in or after such vacation, and after the said period of apprenticeship

shall have expired, such person may be sworn, admitted, enrolled, and registered as a solicitor; provided such person shall be duly qualified pursuant to this Act or any regulations made thereunder and present himself for a final examination.

sittings pre-
ceding such
vacation.
Sec. 23.

14. No person within the ninth or tenth sections of this Act seeking to become an apprentice to a solicitor shall be required to pass a preliminary examination, and no apprentice within the tenth or twelfth sections of this Act who shall have served two years or upwards of his apprenticeship in the Dublin office of a solicitor or firm of solicitors, shall be required to attend lectures or keep terms or sittings in Dublin during his apprenticeship.

Certain
apprentices
not required
to attend
lectures, &c.

Do. s. 11.

15. The Incorporated Law Society may make regulations providing that any persons who shall have matriculated as students in the University of Dublin, the Royal University, or in any of the Queen's Colleges in Ireland, or in any other university, college, or teaching body in any part of the United Kingdom on an open public examination, shall not be required to pass any preliminary examination under this Act before being bound as an apprentice to a solicitor; and the said Society may from time to time revoke or alter any such regulations.

Preliminary
examination
to be dis-
pensed with
in certain
cases.

16. Whenever any person shall after the commencement of this Act be bound by indentures to serve as an apprentice to a solicitor, the solicitor to whom such person shall be so bound shall, within six months after the date of such indentures, make and duly swear or cause or procure to be made and duly sworn, an affidavit of such solicitor having been duly admitted, and also of the actual execution of such indentures by him the said solicitor, and by the person so to be bound to serve him as an apprentice as aforesaid; and in such affidavit shall be specified the names of such solicitor, and of such person so bound, and their places of abode respectively, together with the day on which such indentures were actually executed; and such affidavit shall be filed within six months next after the execution of the said indentures with and by the clerk of records and writs, who shall thereupon enrol and register the said indentures, and shall make and sign a memorandum of the day of filing such affidavit upon such affidavit, and also upon the said indentures: Provided always, that in case such affidavit be not filed within such six months, the same may be filed by the clerk of records and writs after the expiration thereof; but the service of such apprentice shall be reckoned to commence and be computed from the day of filing such affidavit, unless the Lord Chancellor shall otherwise order.

Affidavit to
be made and
filed within
six months
of execution
of articles
and the
articles to
be enrolled.

Do. s. 12.

If not filed
within six
months the
service to
be reckoned
from the day
of filing, unless
&c.

Do. s. 13.

Affidavit to be produced on applying for admission.

Do. s. 14.

Book to be kept for entering the substance of affidavits with the names, &c. of solicitor and apprentice, &c., which may be searched.
Do. s. 15.

No solicitor to take or retain any apprentice after discontinuing business, nor whilst clerk to another solicitor.
Do. s. 5.

In case solicitors become bankrupt or insolvent or be imprisoned, indentures to be discharged or assigned.
Do. s. 6.

Disqualification of solicitor not to affect service of apprentice.

Do. s. 39.

Applications for striking solicitors off the roll for defect in

17. No person who shall after the commencement of this Act become bound as aforesaid shall be admitted a solicitor before such affidavit so marked as aforesaid shall have been produced to the Lord Chancellor, unless he shall be satisfied that the same cannot be produced, and shall think fit to dispense with the production thereof. 5

18. The clerk of records and writs shall keep a book wherein shall be entered the substance of every affidavit which shall be so filed as aforesaid, specifying the name and place of abode of the solicitor to whom any person shall be bound to serve as an apprentice, of the person who shall be so bound as aforesaid, and of the person making such affidavit, with the date of the indentures in such affidavit mentioned or referred to, and the days of swearing and filing every such affidavit respectively; and such book shall and may be searched in office hours by any person without fee or reward. 10

19. No solicitor shall take, have, or retain any apprentice who shall be bound by indentures as aforesaid after such solicitor shall have discontinued or left off practising as or carrying on the business of a solicitor, nor whilst such solicitor shall be retained or employed as a writer or clerk by any other solicitor, and service by any apprentice under indentures to a solicitor for and during any part of the time that such solicitor shall be so employed as writer or clerk by any other solicitor shall not be deemed or accounted as good service under such indentures. 15 20

20. In case any solicitor to whom any apprentice shall be bound by indentures as aforesaid shall, before the end or determination of such contract, become bankrupt, or be imprisoned for debt and remain in prison for the space of twenty-one days, it shall be lawful for the Lord Chancellor, upon the application of such apprentice, to order and direct the said indentures to be discharged, or assigned to such person and upon such terms and in such manner as herein-after mentioned, or otherwise as he shall think fit. 25 30

21. No person who shall have duly served his apprenticeship under indentures pursuant to the provisions of this Act shall be prevented or disqualified from being admitted and enrolled as a solicitor, nor liable to be struck off the roll if admitted, by reason or in consequence of the solicitor to whom he may have been bound by such indentures having been after such service struck off the roll, provided that such apprentice or person be otherwise entitled to be admitted and enrolled according to the provisions herein-before contained. 35 40

22. No person who has been admitted and enrolled shall be liable to be struck off the roll for or on account of any defect in the indentures of apprenticeship, or in the registry thereof, or in his

service under such indentures, or in his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment, provided that such indentures, registration, service, admission, or enrolment be without fraud.

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Indentures, &c. to be made within twelve months of admission.
Do. s. 40.

23. If any solicitor to whom any person shall be bound shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as a solicitor, or if such indentures shall by mutual consent of the parties be cancelled, or in case such apprentice shall be legally discharged before the expiration of such term by any rule or order of the Lord Chancellor, such apprentice may in any of the said cases be bound by other indentures or by an assignment of his former indentures to serve as apprentice to any other practising solicitor or solicitors during the residue of the said term; and service under such second or other indentures or under such assignment in manner herein-after mentioned shall be deemed and taken to be good and effectual, provided that an affidavit be duly made and filed of the execution of such second or other indentures, or of such assignment, or of the making of any order under the next section of this Act, within the time and in the manner herein-before directed, and subject to the like regulations with respect to the original indentures and affidavit of the execution thereof, in so far as the same respectively are applicable thereto.

Apprentices whose masters have died or left off practice may enter into fresh indentures for the residue of their term.

Do. s. 16.

24. In the event of any apprentice requiring to have an assignment made of his indentures under the last preceding section, it shall be lawful for the Lord Chancellor, upon application being duly made by or on behalf of such apprentice, and upon being satisfied that a difficulty exists in procuring such assignment to be executed, to order that such indentures shall be transferred to such solicitor as to the Lord Chancellor may seem fit, and upon the making of any such order the said indentures shall be deemed and taken to be absolutely assigned in as full and ample a manner as if an assignment thereof had been duly executed by the person or persons legally entitled to assign the same.

Power to judge to order assignments under last section.

Do. s. .

25. The indentures whereby any person shall be bound to serve as an apprentice to any solicitor, and also any assignment thereof, shall, within three months after the same has or have been respectively enrolled and registered pursuant to this Act, be produced to the registrar, who shall enter the names of the parties to and the date of such indenture, and also of such assignment, if any, and the term of service, in a book to be kept for that purpose, and the

Indentures of apprenticeship to be produced to the registrar and entered within three months from enrolment.
Do. s. 29.

A.D. 1888. registrar shall mark such indentures and such assignment, if any, as having been so produced and entered, with the date thereof, and such book shall be open to public inspection during office hours without fee or reward; and in case such indentures and such assignment, if any, be not so produced to and entered by the registrar as aforesaid within such three months as aforesaid, the service of the apprentice shall be reckoned to commence from the date of such production and entry, unless upon an application, of which notice shall be given to the registrar, the Lord Chancellor shall otherwise order.

Apprentices before admission to make affidavit of having served. 26.—(1.) Every person who has been or shall be bound as an apprentice as aforesaid shall, before he is admitted a solicitor according to this Act, prove, by an affidavit of himself and of the solicitor to whom he was bound as aforesaid, to be duly made and filed with the clerk of records and writs, that he has actually and really served and been employed by such practising solicitor, and that he has not (save as herein-after provided) held any office or engaged in any employment whatsoever other than the employment of apprentice to such solicitor and his partner or partners in the business, practice, and employment of a solicitor during the whole time and in the manner required by the provisions of this Act.

Apprentices may hold offices or engage in employment in certain cases. (2.) Any person while so bound as aforesaid may hold any office or engage in any employment, provided that before or after he enters upon the office, or engages in the employment, he has applied for and obtained—

37 & 38 Vic. c. 28, s. 4. (a.) The consent thereto in writing of the solicitor to whom he is bound; and (b.) The sanction thereto of the Lord Chancellor, to be evidenced by his order.

Lord Chancellor's order. (3.) Such order shall not be made except such person shall prove, by an affidavit from the solicitor to whom he is bound, or by such other evidence as shall be satisfactory to the Lord Chancellor, that the holding of such office, or being engaged in such employment, was with the consent of the solicitor to whom he was or is bound, and has not interfered with due service under his indentures of apprenticeship, and the Lord Chancellor shall have power to make any order which he shall think fit as to the service by the person so bound as aforesaid for the remainder of the term of his service, or any part thereof, after the acceptance of such office, or as to the passing of any examination.

Notice of application to be given to Incorporated Law Society. (4.) Not less than fourteen days before any such application is made to the Lord Chancellor notice in writing of the application shall be given to the Incorporated Law Society by the appli-

cant, which notice shall state the names and residences of the applicant, and of the solicitor to whom he is bound, and the nature of the office or employment, and the time it is expected to occupy.

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- 5 The society may appear on the hearing of such application, and upon any other proceedings arising out of or in reference to the same.

(5.) The Lord Chancellor may in and by such order impose on the applicant such terms and conditions touching the office or engagement and his employment therein as he may think fit.

Lord Chancellor may attach conditions to order.
Do. s. 5.
Proof of compliance with conditions.

- 10 (6.) Where any terms or conditions shall be so imposed, and the person authorised by the order shall accept the office, or engage in the employment, he shall, before being admitted a solicitor, prove to the satisfaction of the Lord Chancellor and of the Incorporated Law Society that he has duly observed and fulfilled those terms and conditions.

Do. s. 6.

Examinations.

27. If the Lord Chancellor is, by a certificate or certificates granted in pursuance of this Act, satisfied with respect to any person applying to be admitted a solicitor that such person is duly qualified to be admitted to act as a solicitor, then, and not otherwise, the Lord Chancellor shall administer the requisite oath, and cause such person to be admitted a solicitor of the Supreme Court, and his name to be enrolled as a solicitor of such court, which admission shall be written on parchment and signed by the Lord Chancellor.

Admission of solicitor.
40 & 41 Vict.
c. 25, s. 23.
Schedule, Part II.

28. Subject to the exemptions allowed by this Act, or by regulations made under the authority thereof, no person shall be admitted as a solicitor unless he has obtained from the Incorporated Law Society a certificate or certificates to the effect that he has passed a preliminary, an intermediate, and a final examination, and has complied with such regulations as the society under the provisions of this Act may from time to time prescribe.

Certificate of having passed examinations requisite for admission of solicitor.
40 & 41 Vict.
c. 25, s. 5.

29. The Incorporated Law Society are hereby authorised and required to hold, at least three times in the year commencing with the first day of January one thousand eight hundred and eighty-nine, and in every succeeding year, a preliminary examination, an intermediate examination, and a final examination; and the society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power from

Examinations to be held under management of Incorporated Law Society.

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De. s. 6.

time to time to make regulations with respect to all or any of the following matters; (that is to say.)

- (A.) With respect to the admission to apprenticeship, the attendance of apprentices at lectures, and other matters connected therewith; 5
- (B.) With respect to the subjects for and the mode of conducting the examination of candidates; and
- (C.) With respect to the times and places of examination and the notices of examinations; and
- (D.) With respect to the certificates to be given to persons of their 10 having passed any examination; and
- (E.) With respect to the appointment and removal of examiners and professors of law, and with respect to the remuneration by fees or otherwise of the examiners or professors of law so appointed; and 15
- (F.) With respect to any other matter or thing as to which the society think it expedient to make regulations for the purpose of carrying this section into execution.

Any regulation made under the authority of this section may be altered or revoked by a subsequent regulation; and copies of all 20 regulations made under the authority of this section shall be transmitted to the Lord Chancellor and the presidents of the Queen's Bench Division, and the Exchequer Division of the High Court of Justice in Ireland, and to the Master of the Rolls, and if within twenty-eight days after a copy of any regu- 25 lation has been so transmitted, any three of those judges (the Lord Chancellor being one) signify by writing under their hands, addressed to the president or secretary of the society, their dissent from such regulation or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof 30 has come into force, any three of those judges (the Lord Chancellor being one) shall signify in manner aforesaid their dissent from such regulation or any part thereof the same shall, at the expiration of two months, cease to be of any force or effect.

Fees payable to Incorporated Law Society in respect of examinations.

30. Any person applying for leave to be bound apprentice to a 35 solicitor, or to be examined or re-examined at a final examination shall pay to the Incorporated Law Society such fees (and in such proportions and at such times) as are specified in the First Schedule to this Act, or such other fees as may from time to time be determined by regulations to be made by the Lord 40 Chancellor and the presidents of the Queen's Bench Division,

De. s. 8.

and the Exchequer Division of the High Court of Justice in Ireland, the Master of the Rolls, and the President of the Incorporated Law Society for the time being, or any two of them, of whom the Lord Chancellor shall be one.

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- 5 All expenses to be from time to time incurred by the society with reference to such examinations, and with reference to the lectures, classes, and other teaching provided by the society from time to time for persons bound or about to be bound under indentures of apprenticeship to solicitors shall be paid by the
10 society out of such fees.

31. From the commencement of this Act no fees other than those specified in the said First Schedule to this Act, or such other fees as may be authorised by regulations so to be made in pursuance of this Act shall be payable by any person seeking to be bound as
15 an apprentice as aforesaid, or by any person seeking to be admitted and enrolled as a solicitor of the Supreme Court of Judicature in Ireland.

No fees to be payable by apprentices, &c. other than those authorised by this Act. 29 & 30 Vict. c. 84. s. 40.

32. Any person who has been refused a certificate of having passed an intermediate or final examination, and who objects to
20 such refusal, shall be at liberty within one month next after such refusal to appeal by petition in writing to the Lord Chancellor against such refusal, such petition to be presented in such manner and subject to such regulations as the Lord Chancellor may from time to time direct.

Appeal to Lord Chan. order against refusal of certificate. 40 & 41 Vict. c. 25. s. 9.

- 25 In the meantime and until the Lord Chancellor otherwise directs, such petition shall be presented at the office of the secretary to the Lord Chancellor without the payment of any fee, and a copy of such petition shall be left therewith and shall be delivered by the secretary to the Lord Chancellor to the secretary of the Incorporated
30 Law Society, and the secretary to the Lord Chancellor shall also notify to such secretary of the Incorporated Law Society the day appointed for the hearing of the petition, and the same shall be heard by the Lord Chancellor on such day after the expiration of fourteen days from the day on which such petition was presented
35 and at such time as he may appoint.

- On the hearing of any petition under this section the Incorporated Law Society may appear, and the Lord Chancellor may make such order as to him may seem meet, and where any person who has been refused a certificate of having passed his final examination, on
40 appeal to the Lord Chancellor, obtains an order for his admission, such order shall entitle him to a certificate from the Incorporated Law Society of his fitness and capacity to act as a solicitor, and in

A.D. 1888. the usual business transacted by a solicitor, in the same manner as if he had passed his final examination.

The Roll of Solicitors.

The clerk of records and writs to have the care of the rolls.
Names of solicitors to be enrolled in alphabetical order.
29 & 30 Vic. c. 84. s. 28.

33. From and after the commencement of this Act the clerk of records and writs shall have the custody and care of the rolls or books wherein persons are enrolled as solicitors, and such clerk of records and writs is hereby required from time to time, without fee or reward, to enrol the name of every person who shall be admitted a solicitor pursuant to the directions in this Act, and the time when admitted, in alphabetical order in rolls or books to be kept for that purpose, to which rolls or books all persons shall and may have free access during office hours without fee or reward.

Clerk of records and writs to transmit copies to registrar.

34. The clerk of records and writs shall, within seven days after the end of every sittings, transmit to the registrar, at the expense of such registrar, a copy under the hand of such clerk of records and writs of the rolls or books, wherein persons are enrolled as solicitors, so far as the same relates to solicitors enrolled within such sittings.

Persons duly admitted in one court capable of practising in all other courts on signing rolls of other courts.

Do. s. 38.

35. Every person who shall have been duly admitted a solicitor of the Supreme Court shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as a solicitor in any other court in Ireland, upon signing the roll of such other court, where any such roll exists, but not otherwise, and shall thereupon be entitled to practise as a solicitor therein in like manner as if he had been sworn in and admitted a solicitor of such court; provided always, that no additional fee besides those payable by virtue of this Act shall be demanded or paid.

Rule for striking solicitors off the roll to be entered with the registrar.
Do. s. 44.

36. Where the name of any solicitor is ordered to be struck off the roll of solicitors on his own application or on the application of any other person, the rule or order for that purpose shall forthwith, and before the same is acted upon, be produced to the registrar, and the registrar shall enter a note or minute of such rule or order in connexion with the name of such solicitor on the roll of solicitors kept by the registrar, and shall strike such name off such roll, and shall mark such rule or order as having been entered.

Notice to be given to registrar of applications to strike

37. (1.) Where application is intended to be made to any court for a rule or order to strike the name of any solicitor (not being the solicitor making the application) off the roll of solicitors of such

court, or for an order or rule to compel him to answer the matters of an affidavit, notice in writing shall be given to the registrar of such intended application fourteen clear days at the least before such application shall be made.

A.D. 1888.

names of
solicitors off
the roll.
37 & 38 Vict.
c. 85, s. 7.

Copies of
affidavits to
accompany
notice.

Do. s. 8.

Court not to
entertain
applications
except on
proof of
notice, &c.
Do. s. 9.

Registrar
may appear
on applica-
tion, &c.
Do. s. 10.

(2.) Copies of all affidavits intended to be used in support of such application shall be delivered to the registrar with the notice.

(3.) The court shall not entertain any such application, except upon production of an affidavit proving that the notice required by this Act has been duly given, and that copies of all such affidavits

have been duly delivered to the registrar.

(4.) The registrar may appear by counsel upon the hearing of any such application, and upon any other proceedings arising out of or in reference to the application, and may apply to the court to make

absolute any rule nisi which may have been granted by the court in the matter of such application, or to make an order that the name of the solicitor be struck off the roll of solicitors of the said court, or, as the case may be, to order the solicitor to answer the matters of the affidavit, or such other order as to the court may seem fit; and it shall be lawful for the court to order the costs, charges, and expenses of the registrar of or relating to any of the matters aforesaid to be paid by the solicitor against whom any such application is made or was intended to be made, or by the person by or on whose behalf the application is made or was intended to be made, or partly by the one and partly by the other of them.

38. Where any court or any judge of any court shall, upon motion, have ordered or directed a rule (whether nisi or absolute) or order to be drawn up for striking the name of any solicitor off the roll of solicitors of such court, or for compelling a solicitor to answer the matters of an affidavit, and such rule shall not have

been drawn up by or on behalf of the person applying for the same within one week after the order or direction for drawing up the same shall have been made or given, it shall be lawful for the registrar to cause the rule or order to be drawn up, and all future proceedings thereupon shall be had and taken as if the application for the rule or order had in the first instance been made to the court by the registrar.

39. The name of every person hereafter struck off the roll of solicitors of the Supreme Court, or suspended for a time from practising therein, shall, upon production of an office copy of the rule or order whereby he was so struck off or suspended, and an affidavit of the identity of the person named therein, to the proper officer of every or any other court of which such person is a

Registrar
may apply
to make up
rules and
orders not
drawn up by
applicants.

Do. s. 11.

A solicitor
struck off the
roll of one of
the courts to
be struck off
the rolls of
other courts

A.D. 1868.
29 & 30 Vict.
c. 84. s. 45.

solicitor, be struck off the roll of such court, or suspended for the time mentioned in such rule or order from practising therein; and in case any such person be at any time thereafter restored to the roll, or permitted to resume practising therein, by the order of any judge of the Supreme Court, he shall, upon production of an office copy of the rule or order so restoring him, with an affidavit of the identity of the person named therein, to the proper officer of every or any such other court, be restored to the roll thereof, or permitted to resume practising therein, without payment of any fee or fine whatsoever.

10

Solicitors Certificatee.

Register of
solicitors
to be kept.

40. It shall be the duty of the registrar of solicitors to keep an alphabetical roll or book or rolls or books of all solicitors, to be called the register of solicitors, and to issue certificatee of persons who have been admitted and enrolled as solicitors when required so to do; and such registrar or some person duly appointed by him shall have free access to and shall be at liberty from time to time to examine and take copies or extracts, without fee or reward, of all rolls or books kept for the enrolment of solicitors in Her Majesty's Supreme Court of Judicature in Ireland.

15

Commissioners of
Stamps
not to grant
any certificate
until
registrar has
certified that
the person
applying is
entitled
thereto.
Do. s. 30.

41. It shall not be lawful for the Commissioners of Inland Revenue or any of their officers, save as herein-after mentioned, to grant or issue to any person any stamp upon a certificate authorising such person to practise as a solicitor, but every person desiring to obtain such stamped certificate shall deliver to the said Commissioners or their proper officer, at the Head Office of Inland Revenue in Dublin, a certificate from such registrar as aforesaid that such person is a solicitor, and entitled to a stamped certificate, and such registrar's certificate shall be thereupon stamped with the proper amount of duty payable thereon, and shall have the same force and effect as the stamped certificate heretofore issued under the Attorneys and Solicitors Act (Ireland), 1866.

20

29 & 30 Vict.
c. 84.

On application for
certificate a
declaration to be signed
and entered
in a book.

42. For the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, in the form in the Third Schedule to this Act, signed by such solicitor or by his partner, or by his Dublin agent, being a solicitor, on his behalf, containing his name and place of residence, and the court of which he is then admitted a solicitor, together with the sittings or term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all the particulars in such declaration to be entered

40

Do. s. 31.

in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward; and the said registrar shall, within six days after the delivery of such declaration (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the said roll of solicitors), deliver to the said solicitor, or to his agent as aforesaid, on demand, a certificate in the form set forth in the Second Schedule to this Act annexed, and which last-mentioned certificate shall be delivered to the Commissioners of Inland Revenue as herein-before directed for the purpose of being stamped.

A.D. 1889.

43. The stamp duties chargeable on such certificates shall be denoted upon the registrar's certificates, and upon any such certificate being stamped accordingly, and the date of the payment of the duty certified by the proper officer by writing under his hand, or by other sufficient means, the same shall be and be deemed the proper stamped certificate required by law to be taken out by the solicitor named therein.

Registrar's certificates on payment of duty to be deemed the stamped certificates.
Do. s. 32.

44. For determining the rate of stamp duty payable on the certificate, the place or places where the solicitor shall carry on his business shall be deemed to be the place or places of his residence within the meaning of the Acts relating to the stamp duties on certificates; and the declaration required to be delivered to the registrar, for the purpose of obtaining his certificate, and also the certificate to be granted thereon, shall specify the place or places where the solicitor by or for whom the certificate is required carries on his business.

For determining amount of stamp duty, place of business to be deemed place of residence.
Do. s. 33.

45. The declaration required to be made for the purpose of obtaining the registrar's certificate shall be made out and signed in duplicate, and one of such duplicates shall be delivered to and left with the registrar, and the other produced to him, and the duplicate so produced, together with the certificate granted on such declaration, shall be left with the Commissioners of Inland Revenue or their proper officer on applying to have the certificate stamped, and shall be and be deemed the note in writing required by law to be delivered to the Commissioners or their officer to entitle the solicitor to a stamped certificate; and for every such certificate issued by the registrar, and the previous requisite search and inquiry, there shall be paid to the registrar by such solicitor, his partner, or agent, the sum of *five shillings*.

The declaration on applying for the registrar's certificate to be in duplicate, and one copy to be left with the Commissioners.
Do. s. 34.

46. In case the registrar shall decline or neglect to issue such certificate as he is herein-before required to give, the solicitor

On registrar's refusal application

A.D. 1888.

to be made
to court.
Do. s. 35.

Certificates to
be entered
with the
registrar,
the Commis-
sioners to
supply per-
ticulars when
stamped.

applying for the same may, on giving six clear days notice to the registrar, apply to the Lord Chancellor, who shall make such order in the matter as shall be just.

Do. s. 41.

47. For the purpose of enabling the registrar to enter upon the roll of solicitors kept by him a note or minute of the time of stamping every certificate, the Commissioners of Inland Revenue shall, whenever the same shall be required after the *sixth day of February* in every year, furnish to the registrar an account of the certificates issued between the *sixth day of February* and the *fifth day of January* preceeding for which during the same period the stamp duties have been paid, specifying the names and places of business of the parties respectively to or for whom the same have been issued, and the dates of payment of the stamp duties; or in lieu of such account the Commissioners at their option shall return to the registrar the aforesaid duplicate declarations to which such certificates relate, with a note or memorandum on each of them specifying the date of payment of the stamp duty for the certificate, and the registrar shall, upon such account being furnished, or such duplicate declarations being returned to him as aforesaid, enter such note or minute as aforesaid; and in order that such entry may be made in respect of certificates stamped at any other time, every such last-mentioned certificate shall, within one month after payment of the duty, be produced to the registrar, who shall thereupon make such entry, and signify the same by a note or memorandum upon the certificate; and every such last-mentioned certificate which shall not be so produced within the said period shall have effect only as a qualification to practise from the time when it shall be produced: Provided that it shall be lawful for the Lord Chancellor at any time to make an order directing that any certificate not so produced shall have effect upon and from the time of stamping the same or any subsequent period.

Date and
determina-
tion of certi-
ficate.

Do. s. 42.

48. Every certificate issued by the registrar between the *fifth day of January* and the *sixth day of February* in any year shall bear date on the *sixth day of January*, and shall take effect on that day for all purposes, provided it be stamped before the *sixth day of February*, and in every such case the *fifth day of January* shall, for the purpose of this Act, be deemed to be the date of the payment of the duty; but if such certificate be not so stamped it shall take effect, as regards the qualification to practise, on the day on which it is stamped; and every certificate issued at any other time shall bear date on the day on which it is issued, and, subject to the provisions herein contained relating to certificates stamped

after the *fifth day of January* in any year, and not produced within a month to be entered by the registrar, shall take effect as regards such qualification on the day on which it is stamped; and every certificate shall be and continue in force from the day on which it shall take effect as aforesaid until the *fifth day of January* next following inclusive, and no longer.

A.D. 1888.

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49. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as a solicitor without having previously obtained a stamped certificate, which shall then be in force, shall be recoverable in any action, suit, or matter by such person or any other person or persons whomsoever.

No costs recoverable by unqualified person.
37 & 38 Vict.
c. 68. s. 12.

50. If any solicitor, after having at any time taken out a stamped certificate, shall for the space of one whole year from and after the expiration thereof have neglected to renew the same for the following year, the registrar shall not afterwards grant a certificate to such solicitor, except the Lord Chancellor, upon the application of the said solicitor, shall otherwise order, of which application six clear days notice in writing shall be given to the registrar, and it shall be lawful for the Lord Chancellor, when making such order, to impose on the applicant such terms and conditions as he may think fit.

In case of neglect to obtain a stamped certificate application to be made to the court.
29 & 30 Vict.
c. 84. s. 26.

Penalties.

51. If any solicitor shall wilfully and knowingly act as agent in any action, suit, or matter for any person not duly qualified to act as a solicitor, or permit or suffer his name to be anyways made use of in any action, suit, or matter, upon the account, or for the profit of any unqualified person, or send any process to such unqualified person, or do any act thereby to enable such unqualified person to appear, act, or practise in any respect as a solicitor in any action, suit, or matter, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any Divisional Court of the High Court of Justice in Ireland, or any judge thereof, and proof made thereof upon oath to the satisfaction of such court or judge, that such solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such solicitor so offending may be struck off the roll, and for ever after disabled from practising as a solicitor, or may be suspended from practising as a solicitor for such time as to such court shall seem fit and proper and in that case, and upon such

Solicitors not to act for unqualified persons, &c.
6 & 7 Vict.
c. 72. s. 32.

A.D. 1888.

complaint and proof made as aforesaid, it shall and may be lawful to and for the court or judge to commit such unqualified person so acting or practising as aforesaid to prison for any term not exceeding six calendar months.

Penalty for
wrongfully
acting as a
solicitor.

29 & 30 Vict.
c. 84, s. 46.

52. Any person who acts as a solicitor without being duly 5
qualified so to act shall be deemed guilty of a contempt of the
court in which the action, suit, or matter in relation to which he
so acts is brought, had, or taken, and may be punished accordingly,
and shall, in addition to any other penalty or forfeiture, forfeit and
pay for every such offence to the Incorporated Law Society the 10
sum of fifty pounds, to be recovered, with full costs of suit, by
action brought, with the sanction of Her Majesty's Attorney-General
in the name of the Incorporated Law Society, in the High Court
of Justice in Ireland.

Penalty for
wrongfully
acting as
solicitor.

37 & 38 Vict.
c. 68, s. 12.

53. Any person who wilfully and falsely pretends to be, or takes 15
or uses any name, title, addition, or description implying that he
is duly qualified to act as a solicitor, or that he is recognised by
law as so qualified, shall be guilty of an offence under this Act, and
be liable to a penalty not exceeding the sum of ten pounds for each
offence. 20

Offences may
be prosecuted
before a
court of
summary
jurisdiction.

38 & 39 Vict.
c. 86, s. 21.

Any offence under this section may be prosecuted before a court
of summary jurisdiction, in manner provided by the Summary
Jurisdiction Acts: Provided always, that the court of summary
jurisdiction, when hearing an information or complaint under
this Act, shall in the police district of Dublin metropolis, be con- 25
stituted of one or more divisional justices of the said district, and
elsewhere in Ireland of two or more justices of the peace in petty
sessions sitting at a place appointed for holding petty sessions.

Act not to
extend to
examination,
&c. of
solicitors
to public
departments.

29 & 30 Vict.
c. 84, s. 50.

54. This Act shall not extend, or be construed to extend, to the
examination, swearing, admission, or enrolment, or any rights or 30
privileges of any persons appointed to be solicitors to the Treasury,
Customs, Inland Revenue, Post Office, or any other branch of Her
Majesty's Revenue, or to the solicitor to the Board of Admiralty,
or to the solicitor to the War Department.

Miscellaneous Provisions.

35

Authentica-
tion of regu-
lations and
other docu-
ments.

40 & 41 Vict.
c. 25, s. 20.

55. All rules, regulations, certificates, notice and other documents
made or issued by the Incorporated Law Society for any purpose
whatever may be in writing or print, or partly in writing and
partly in print, and may be signed on behalf of the society by the
secretary, or by such other officer or officers of the society as may 40

be from time to time prescribed by the council, and the production of a copy of any such rules, regulations, certificates, notice, or other documents purporting to be signed by the secretary or other officer of the society shall be *prima facie* evidence of the due making thereof.

A.D. 1888

56. All enactments referring to attorneys which are in force immediately after the commencement of this Act shall be construed as if the expression "solicitor of the Supreme Court of Judicature in Ireland" were therein substituted for the expression "attorney;" and all enactments relating to the examinations of attorneys and solicitors which are in force immediately after the coming into operation of this Act shall be construed as relating to the examinations to be held in pursuance of this Act.

Construction of enactments referring to attorneys and examinations.

Do. s. 21.

57. Section sixty-two of the Stamp Act, 1870, shall be read and have effect as if the words "the Solicitors (Ireland) Act, 1855," were inserted therein instead of the words, "The Attorneys and Solicitors Act (Ireland), 1866."

Amendment of 22 & 34 Vict. c. 97. s. 62

Temporary Provision and Repeal.

58. All persons who before this Act comes into operation have passed a preliminary but have not passed a final examination under the enactment hereby repealed, shall be deemed respectively to have passed a preliminary examination under this Act, and all persons who have passed a final examination under the said enactment and regulations made thereunder, but have not been admitted, shall be deemed to have passed a final examination under this Act.

Temporary provision as to examinations.

40 & 41 Vict. c. 25. s. 22.

59. The Attorneys and Solicitors Act (Ireland), 1866, is hereby repealed as from the first day of January one thousand eight hundred and eighty-nine: Provided, however, that this repeal shall not affect—

Repeal of 29 & 30 Vict. c. 84.

Do. s. 28.

(A.) Anything duly done or suffered under that Act; or

(B.) Any right, liability, or penalty acquired, accrued, or incurred under that Act, or any legal proceeding or remedy in respect of any such right, liability, or penalty; and any such legal proceeding and remedy may be carried on as if this Act had not been passed.

A.D. 1888.

Sections 30,
31.

FIRST SCHEDULE to which this Act refers.

	£	s.	d.
1. Fee to be paid to the Incorporated Law Society by each person on lodgment of his petition for leave to be bound apprentice to a solicitor - - - - -	8	3	6 5
2. Fee to be paid to said society by each apprentice on his application for permission to attend the final examination for admission as a solicitor - - - - -	10	0	0
3. And for each attendance at a preliminary or final examination after the first - - - - -	1	1	0 10

SECOND SCHEDULE to which this Act refers.

Section 42.

Form of Registrar's Certificate.

Pursuant to an Act passed in the Session of Parliament holden in the fifty-first and fifty-second years of the reign of Queen Victoria, intituled "The Solicitors (Ireland) Act, 1888," the Incorporated Law Society, as the 15 registrar of solicitors appointed under the said Act, hereby certify that

solicitor, whose place (or places) of business is (or are) at

hath this day delivered and left with the secretary of the said society a declaration in writing, signed by the said solicitor (or by his partner, or by his Dublin agent on his behalf, as the case may be), containing his name and place or 20 places of business, together with the sittings or term and year in or as of which he was admitted a solicitor; and the said society (as the registrar) hereby further certify that the said solicitor is duly enrolled a solicitor of the Supreme Court of Judicature in Ireland, and is entitled to practise as such solicitor upon this certificate being duly stamped as required by law. 25

Given under the hand of the secretary of the Incorporated Law Society (as such registrar) this day of 18

} *Secretary's Signature.*

THIRD SCHEDULE to which this Act refers.

A.D. 1888.

Form of Annual Declaration for obtaining the Registrar's Certificate.

No.

I hereby declare, that I (or A.B.) was admitted a solicitor of the Court
5 of in sittings or
term in the year and that my (or his) place or places of business
are as follows :

Dated this

18

A.B. (or C.D. Partner
(or Dublin Agent) of the said A.B.)

10

To

The Registrar of Solicitors in Ireland.

A.

B I L L.

To amend the Law for the Regulation
of the Profession of Solicitors in
Ireland.

(Prepared and brought in by
Mr. Martin Doyle, Mr. Spencer, Mr. O'Flinn,
Mr. O'Connor, and Mr. O'Sullivan.)

Ordered, by The House of Commons, to be Printed,
11. February 1870.

PRINTED BY STEEL AND SAMPSONSON,
PRINTERS TO THE SPEAKER AND PARLIAMENT HOUSE.

And also printed, under authority, by the Stationers' Company,
Printers and Stationers, at the Stationers' Hall, No. 6, St. Dun-
stons, London, E.C. 4, in conformity with the Statute in
that behalf made, under the Great Seal of Great Britain, in
the second year of the said Queen Victoria, bearing date the
fourth day of May, in the said year, 1846.

[Dated 6th. Feb. 1870.]

[S.B. 1870.]